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Mr Bill Ellson
By email: request-744110-4f80f7ae@whatdotheyknow.com

Our ref: EIR2021/09147
27 April 2021

Dear Mr Ellson,

REQUEST FOR INFORMATION: Weeds Act 1959

Thank you for your request for information of 3 April 2021 about guidance formerly issued under S.1A of the Weeds Act 1959. We have handled your request under the Environmental Information Regulations 2004 (EIRs).

EIRs apply to requests for environmental information, which is a broad category of information defined in regulation 2 of the EIRs. Public authorities are required to handle requests for environmental information under the EIRs. They give similar access rights to the Freedom of Information Act 2000 (FOIA).

Your information request and our response are set out below.

A person on Social Media claiming to be a retired civil servant, has asserted that:

"When in HSE I helped colleagues in Defra develop the guidance on the control of ragwort from the Code of Practice."

I require:

Copies of all communications (including, but not limited to letters, emails, meeting notes) between the Department and the Health and Safety Executive regarding the formulation of the guidance made under Section 1A Weeds Acts 1959, including any communications in regard of subsequent revisions before said guidance was withdrawn on 24 May 2016.

We want to be as open as possible in answering requests. The EIRs also require us to provide advice and assistance to help people obtain the information they are looking for and make good use of the EIRs. Unfortunately, the amount of information you have requested is very substantial and gathering it together would involve a significant cost and diversion of resources from the Department's other work.

By virtue of regulations 12(1) and 12(4)(b) of the EIRs, Defra may refuse to disclose environmental information if the request for the information is manifestly unreasonable and, in all the circumstances of the case, the public interest in maintaining the exception outweighs the public interest in disclosing the information.

We consider that your request is manifestly unreasonable under regulation 12(4)(b) on cost grounds and, having carried out the above public interest test, we have concluded



that, in all the circumstances of the case, the public interest falls in favour of maintaining the exemption.

In reaching our decision with respect to the public interest, we considered the following matters:

We recognise that there is a public interest in disclosure of information concerning the correspondence between Defra and the Health and Safety Executive (HSE) in developing the Code of Practice on How to Prevent the Spread of Ragwort in the interests of transparency.

However, on the other hand, at this present time, there is a stronger public interest in withholding the information because due to the unique current circumstances. We have managed to obtain the paper record from our central storage facility but as staff are currently working from home we do not have facilities to scan the numerous documents for release, and to carry out a transcription of the emails and attachments held would divert resource away from the teams other priorities. Further, the correspondence dates back to 2003 and 2004, and the information held does not provide insight into advice provided to Defra by the Health and Safety Executive (HSE) that has not previously been released in the public domain, therefore serves no extra public interest.

Regulation 9 of the EIRs requires public authorities to provide advice and assistance to applicants where reasonable. We have therefore provided details below to assist you to formulate a request that can be handled at less cost.

The best way we can help you is to ask you to consider narrowing down your request to focus more clearly on the precise information you are seeking. You could, for example request a copy of the emails without the attachments as these may be able to be released as they can be transcribed in a manner that is not manifestly unreasonable on the proportionality of the burden on the team's workload.

You could also browse through the material that has already been made publicly available by Defra to see if this would help you to identify more precise questions that we might be able to answer at less cost. For example, the response EIR2021/04297 includes the full transcription of information from HSE on ragwort alkaloids which is the most substantive information held between Defra and HSE within the scope of this request.

Please note that we will handle your modified request as a new request. The 20-working-day timescale for responding to requests will therefore commence from the date that we receive the modified request.

Please note that the Code of Practice on How to Prevent the Spread of Ragwort has not been withdrawn, and is still available on [gov.uk](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/442222/code-of-practice-on-how-to-prevent-the-spread-of-ragwort.pdf).

We attach an annex giving contact details should you be unhappy with the service you have received.

If you have any queries about this letter please contact me.

Yours sincerely

Guy Mawhinney
Information Rights Team
InformationRequests@defra.gov.uk

Annex

Complaints

If you are unhappy with the service you have received in relation to your request you may make a complaint or appeal against our decision under section 17(7) of the FOIA or under regulation 11 of the EIRs, as applicable, within 40 working days of the date of this letter. Please write to Andrew Mobsby, Head of Information Rights via email at InformationRequests@defra.gov.uk and he will arrange for an internal review of your case. Details of Defra's complaints procedure are on our website.

If you are not content with the outcome of the internal review, section 50 of the FOIA and regulation 18 of the EIRs gives you the right to apply directly to the Information Commissioner's Office (ICO) for a decision. Please note that generally the ICO cannot make a decision unless you have first exhausted Defra's own complaints procedure.

The ICO's offices are currently closed so please visit their website on how to contact them during this period, here:

<https://ico.org.uk>

Additionally if you wish to make a complaint to the ICO please use the following link:

<https://ico.org.uk/make-a-complaint/official-information-concerns-report/official-information-concern/>